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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,036	05/12/2005	Jurgen Bieber	2002P17457WOUS	2389
7590 Siemens Corporation Intellectual property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER NILANONT, YOUAPORN	
			ART UNIT 2446	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,036

Applicant(s)

BIEBER, JURGEN

Examiner

YOUAPORN NILANONT

Art Unit

2446

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 17, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 17, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 11th, 2010 has been entered.

Status of Claims:

Claims 9, 17 and 23-24 are pending in this Office action.

Claims 9 and 17 are amended.

Claims 1-8, 10-16, 18-22 and 25-26 are cancelled.

Response to Arguments

Applicant's arguments filed 3-11-2010 have been fully considered but they are not persuasive. The reasons set forth below.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the plurality of data sources" in line 8 of the claim. There is insufficient antecedent basis for this limitation in the claim. The limitation should be corrected as --the plurality of data devices-- as cited in line 3 of claim 9.

Claim 24 recites the limitation "The access administration device" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. The limitation should be corrected as --the restricted access administration device-- as cited in claim 9. Furthermore, "the various data sources" and "the data sources" cited in lines 2 and 3 of claim 24, respectively, should be corrected as --the plurality of data devices-- to be consistent with claim 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 17 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al. (US 2002/0095399) in view of Nwabueze (US6611839).

Regarding claim 9, (currently amended) Devine discloses a system (figure 1 "network/system 1") of the type including multiple functions relating to production, including Enterprise Resource Planning (ERP), maintenance and automation ("teachings provide a system for providing automated data retrieval, analysis and reporting (RAR) services" [0018]; "Data retrieval may involve the user of commands native to Enterprise Resource Planning (ERP), MRP (Material Requirements Planning) and MES" [0022]; "aspect of the system is to provide the above services, some in the context of existing client-server based...(ERP), MRP... and MES systems" [0037]; therefore, Devine discloses the system of the claimed type),

configured to provide simultaneous access to data from a plurality of data devices within the system ("Services may be created by the publisher by obtaining data automatically from databases, files, input devices or sensors" [0021]; "services are separately provides...Reporting Service may incorporate the output of one or more Analysis services in its output" [0056]; "analysis of data is carried out automatically using procedures specified by the publisher...then reported to subscribers" [0019]; a reporting publisher gather analysis data from plurality of devices and then provide subscribers with access to the gathered data from plurality of devices, therefore the publisher provides subscribers with simultaneous access), the data devices including an automation device, an ERP device, and an MES device ("use of ERP, MES, MRP reports may form an input to the RAR services" [0027]), the system comprising:

a central access device (figure 5C and "a CD 10 functioning as the server for databases 30A-30C" [0395]) having interface connections to receive data from each of

the data devices ("query processor 34" figure 5C; "ability to obtain data from multiple databases" [0392]; thus, in figure 5C, "CD 10" with embedded query processor provide central access to the COM Client CD 10),

wherein the central access device comprises mechanisms for simultaneously providing a uniform, central access to multiple ones of the plurality of data sources (figure 5C "Query Processor 34" as mechanism for providing central access to plurality of databases "30A-30C"; thus, providing user with access to data from different devices simultaneously) and uniform visualization of the data in the data received from the multiple ones of the data sources ("one feature of a CD 10 is the ability to provide an embedded web server 20" [0385]; "deliver web pages to a local web browser 22...browser 22 and the embedded web server 20...may reside in a single CD" [0387]; "browser 22 can be employed as a general viewing interface for CD 10 service outputs" [0427]; "Synchronous services are those that are delivered as they occur" [0451]; thus, simultaneously providing user with central access to and visualized data from different devices),

the central access device including a restricted access administration device providing role-based access for each of multiple users so that the users are enabled to access data from predetermined devices without being able to access data of other devices ("who may belong to the network and what services each system user may access, or not access" [0023]; "a CD 10 may store and grant access to files...to other CDs 10" and "requesting CD 10 privileges...are

verified before access is granted" [0405]; "service publisher controls which users may subscribe to publisher's service" [0018]; i.e. the publisher being CD 10 that acts as data provider),

the central access device further including:

a polling device configurable by users ("function of all such services is to effect an automatic transfer of information between a connected device 10 controlled by a publisher and a connected device 10 controlled by at least one subscriber subject to a trigger event," "trigger events may be specified by...subscriber...or both" and "a trigger event may be specified to be one of the following..." [0071]) in order to cyclically monitor data based on a production criterion configurable by a user from the various data sources ("trigger event may be specified to be one of the following..." and "Trigger events may be specified by the publisher...or subscriber...or both" [0071]) by evaluating the data in such a way that upon attainment of the criterion ("monitor the field value as updates are generated...informing the engineer of the updated field value" [0459]),

a corresponding message is automatically generated indicating to the user that the criterion has been met ("monitors a particular piece of equipment and issues an alarm fault message upon the detection of an out-of-tolerance measurement..." [0460]) and wherein, when the criterion is met, data relevant to the criterion are made available in an automated manner to the user when the user is next logged in to the system; ("the subscriber CD 10 can request notification that a file has been created

and/or changed...request that a copy of the created/modified file be sent...as a message" [0438]; "asynchronous services are added to a local queue...when the subscriber is next on-line" [0451]) and a visualization device ("one feature of a CD 10 is the ability to provide an embedded web server 20" [0385]; "deliver web pages to a local web browser 22...browser 22 and the embedded web server 20...may reside in a single CD" [0387]; "browser 22 can be employed as a general viewing interface for CD 10 service outputs" [0427]) having a plurality of portal modules enabling data fetched from different devices (figure 5C "Query Processor 34" for accessing data from different databases "30A-30C") to be viewed in a visualization window (figure 1 "GUI"; figure 4 "Browser 22"; "one feature of a CD 10 is the ability to provide an embedded web server 20" [0385]; "deliver web pages to a local web browser 22...browser 22 and the embedded web server 20...may reside in a single CD" [0387]; "browser 22 can be employed as a general viewing interface for CD 10 service outputs" [0427]; i.e. browser as visualization window) wherein data is visualized uniformly ("it is seen that spreadsheet macros can be used to provide a wide variety of functions that can be implemented on a distributed basis throughout the system 1" [0576]).

Though Devine discusses data retrieval from different data sources to provide reporting or analysis service to subscriber and that reports from different devices can be entered into an output of the publisher's device, Devine does not disclose, explicitly, that they are simultaneously viewed.

Nwabueze discloses identifying a set of data sources to be accessed and combine data acquired from such sources using display rules and create a report according to the rules (Nwabueze, column 2 lines 59-67 and column 3 lines 1-18). Therefore, the data from different data sources within a spreadsheet report are viewed simultaneously.

It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have utilized reporting and displaying of the combination of data from different data sources as taught in Nwabueze (column 2 lines 59-67 and column 3 lines 1-18) in Devine's reporting service output in order to allow users to monitor and analyze Devine's manufacturing data as a whole using data from all parts in the system.

Regarding claim 17, (currently amended) Devine in view of Nwabueze discloses the system as claimed in claim 9, wherein the central access device includes a data acquisition device configured to access the plurality of data devices (Devine, figure 8 i.e. C4 accesses C1-C3 and combine retrieved data from services offered in C1-C3; Nwabueze, column 2 lines 59-67 and column 3 lines 1-18) and exchange information with each (Devine, "Analysis...user the output of one or more Retrieval...Reporting may incorporate output of one or more Analysis..." [0056] i.e. exchange of information between each service provided by different devices in system 1), including assembling data from the plurality of data devices in accord with the role-based access of each user (Devine, "who may belong to the network and what services each system user may access, or not access" [0023]; "a CD 10 may store and grant access to files...to other

CDs 10" and "requesting CD 10 privileges...are verified before access is granted" [0405]; "publisher may create services and control subscriptions to services" [0407]).

Regarding claim 23, (previously presented) Devine in view of Nwabueze discloses the system as claimed in claim 17, wherein the data acquisition device accesses the various data devices in a manner controlled by the restricted access administration device, acquires data therefrom and provides this data for display in the visualization window. (Devine, figure 8, "who may belong to the network and what services each system user may access, or not access" [0023]; "a CD 10 may store and grant access to files...to other CDs 10" and "requesting CD 10 privileges...are verified before access is granted" [0405]; "service publisher controls which users may subscribe to publisher's service" [0018]; "publisher may create services and control subscriptions to services" [0407]; "browser 22 can be employed as a general viewing interface for CD 10 service outputs" [0389]; thus, the publishing CD controls subscribing CDs' access authorization and provides acquired data to browser window)

Regarding claim 24 (previously presented) the system as claimed in claim 17, wherein the data acquisition device accesses the various data sources in a manner controlled by the access administration device and acquires data from the data sources, wherein the data acquisition device makes the data available to the visualization device. (Devine, figure 8, "who may belong to the network and what services each system user may access, or not access" [0023]; "a CD 10 may store and grant access to files...to other CDs 10" and "requesting CD 10 privileges...are verified before access is granted" [0405]; "service publisher controls which users may subscribe to publisher's service"

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[0018]; "publisher may create services and control subscriptions to services" [0407];

"browser 22 can be employed as a general viewing interface for CD 10 service outputs"

[0389]; thus, the publishing CD controls subscribing CDs' access authorization and provides acquired data to browser window)

REMARKS

Applicant's argument:

The server CD 10 in cited reference does not provides access to data, rather the Data Warehouse receives the data.

In response, examiner respectfully submits:

The CD 10 devices as taught by Devine can be either publisher or subscriber or both (see Devine, figure 1 "Publisher CD 10", "Subscriber CD 10", and Publisher/Subscriber CD 10"). The CD 10 which acts as publisher as shown in figure 5C provides service(s) to subscriber(s) to service(s). The services include Retrieval of data, Analysis of data, and Reporting of data, wherein, for example, the device performing Analysis service may use outputs form Retrieval services (Devine, [0056]). Devine further discloses that the CD 10 acts as database middleware that provides users with access to information held on other CDs 10" (Devine, [0391]). Therefore, the CD 10 as taught by Devine provides access to data from different sources to users of other CD devices which may be computers, portable computers, measuring systems or sensors with some type of processor and memory (Devine, [0055]).

The Devine reference does not describe acquiring data cyclically and does not automatically generating a message upon attainment of a criterion.

In response, examiner respectfully submits:

The Devine reference discloses requesting CD(s) 10 which subscribed to a service may set "trigger" settings based on schedule and events (see Devine, [0071])

and [0452]). Further, Devine describes that message or report of a subscribed service may be sent to subscribers as they occur or queued and sent to subscribers when they're next on-line (Devine, [0451] and [0459]).

The Nwabueze does not relate to a central access device.

In response, examiner respectfully submits:

The Nwabueze is cited to show the explicit example of when the display shows all the data gathered from different device. Devine's CD also gathered data from other CDs but does not explicitly say that its visual display such as web browser or spreadsheet report shows the combined data. Nwabueze is brought in to show such explicit example of display. Therefore, Nwabueze does not have to be a central access device since it is cited to teach only the function of displaying of combined data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUPAPORN NILANONT whose telephone number is (571) 270-5655. The examiner can normally be reached on Monday through Thursday and alternate Friday at 8:30 AM - 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. N./
Examiner, Art Unit 2446

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446